



Medtronic

Facsimile Cover Sheet

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Date: September 10, 2004
**Pages including this
cover page:** 3

Comments: In re Application of: David L. Thompson et al.
For: IMPLANTABLE MEDICAL DEVICE CONTROLLED BY A NON-
INVASIVE PHYSIOLOGICAL DATA MEASUREMENT DEVICE
Serial No.: 09/825,909
Filed: April 4, 2001
Docket Number: P8999.00

Request for Continued Examination (RCE) Transmittal

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DOCKET NO.: P8999.00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RCE TRANSMITTAL

In re Application of: David L. Thompson et al.
For: IMPLANTABLE MEDICAL DEVICE CONTROLLED BY A NON-INVASIVE PHYSIOLOGICAL DATA
MEASUREMENT DEVICE
Serial No.: 09/825,909
Filed: April 4, 2001

CERTIFICATE UNDER 37 CFR §1.8 I hereby certify that this Transmittal and the paper(s), as described herein are being sent via facsimile No. (703) 872-9306, addressed to the Commissioner for Patents, Mail Stop RCE, on this 10th day of September, 2004.

Molly Chlebeck
Signature
MOLLY CHLEBECK
Printed Name

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Mail Stop RCE
Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- Request for RCE Transmittal
- Please charge Deposit Account No. 13-2546 in the amount of \$770.00 for the RCE fee as required under 37 CFR 1.17(e) and \$420.00 for the two-month extension of time fee.
- Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.
- Applicant believes that no extension of time is required. However, if an extension of time is required, please consider this a petition therefor to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time.

Date

0 Sept '04

Paul H. McDowell
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PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**Request
FOR**

**Continued Examination (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
Provides for continued examination of an utility or plant
application

Filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|--------------------------|
| Application Number | 09/825,909 |
| Filing Date | April 4, 2001 |
| First Named Inventor | David L. Thompson et al. |
| Group Art Unit | 3762 |
| Examiner Name | F. Oropeza |
| Attorney Docket Number | P8999.00 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) Instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

- i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on July 8, 2004
(Any unentered amendment(s) referred to above will be entered.)

- ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. Other _____

b. Enclosed

- i. Amendment/Reply
- ii. Affidavit(s)/Declaration(s)
- iii. Information Disclosure Statement (IDS)
- iv. Other _____

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2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

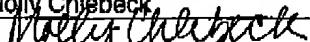
- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 13-2546
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$_____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---|-------------------------------|--------------------|
| Name (Print/Type) | Paul H. McDowell | Registration (Attorney/Agent) | No. 34,873 |
| Signature |  | Date | <u>10 Sept '04</u> |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

| | | | |
|-------------------|---|------|--------------------|
| Name (Print/Type) | Molly Chlebeck | Date | September 10, 2004 |
| Signature |  | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND COMPLETED FORMS TO THE FOLLOWING ADDRESS: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.